

EXHIBIT A



CITATION

THE STATE OF TEXAS

No. D-0198907

**STARCO IMPEX INC
VS. TANTUS TOBACCO LLC**

CITATION

**136th JUDICIAL DISTRICT COURT
of JEFFERSON COUNTY, TEXAS**

To: **TANTUS TOBACCO LLC
BY SERVING REGISTERED AGENT
CT CORP SYSTEM**

by serving at:
**1999 BRYAN STREET
SUITE 900
DALLAS, TX 75201-3136**

DEFENDANT:

NOTICE:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Said answer may be filed by mailing same to: District Clerk's Office, 1085 Pearl, Room 203, Beaumont, TX 77701, (or if the case is designated as an E-file case, E-file through Lexis Nexis file and serve) or by bringing it to the office. The case is presently pending before the 136th District Court of Jefferson County sitting in Beaumont, Texas, and was filed on the 24th day of August, 2016. It bears cause number D-0198907 and is styled:

**STARCO IMPEX INC
VS.
TANTUS TOBACCO LLC**

Plaintiff:

Defendant:

The name and address of the attorney for plaintiff (or plaintiff if pro se) is:

**BOND, J TRENTON, Atty.
PORTNER * BOND, PLLC 1905 CALDER STREET
BEAUMONT, TX 77701-0**

The nature of the demands of said plaintiff is shown by a true and correct copy of Plaintiff's PETITION (PLAINTIFF'S ORIGINAL) ALSO ATTACHED IS LETTER DESIGNATING ALL CASES E-FILED accompanying this citation and made a part thereof.

Issued under my hand and the seal of said court, at Beaumont, Texas, this the 25th day of August, 2016.

**JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS**

BY

Deputy

RETURN OF SERVICE

D-0198907 136th JUDICIAL DISTRICT COURT
 STARCO IMPEX INC
 TANTUS TOBACCO LLC

Executed when copy was delivered:

This is a true copy of the original citation, was delivered to defendant _____, on the _____ day of _____, 20____.

_____, Officer
 _____, County, Texas
 By: _____, Deputy

ADDRESS FOR SERVICE:
 TANTUS TOBACCO LLC
 BY SERVING REGISTERED AGENT

DALLAS, TX 75201 3136

OFFICER'S RETURN

Came to hand on the _____ day of _____, 20____, at _____, o'clock ____m., and executed in _____, County, Texas by delivering to each of the within named defendants in person, a true copy of this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the Citation at the following times and places, to-wit:

Name	Date/Time	Place, Course and Distance from Courthouse
_____	_____	_____

And not executed as to the defendant(s), _____

The diligence used in finding said defendant(s) being:

and the cause or failure to execute this process is:

and the information received as to the whereabouts of said defendant(s) being:

FEES:

Serving Petition and Copy \$ _____

Total \$ _____

_____, Officer
 _____, County, Texas

By: _____, Deputy

 Affiant

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign and return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is _____, my date of birth is _____, and my address is _____
 (First, Middle, Last)

(Street, City, Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

Executed in _____, County, State of _____, on the _____ day of _____.

 Declarant/Authorized Process Server

 (Id # expiration of certification)



CITATION

THE STATE OF TEXAS

No. D-0198907

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DALLAS, TX 75201 3136

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Name	Date/Time	Place, Course and Distance from Courthouse
_____	_____	_____

And not executed as to the defendant(s), _____

The diligence used in finding said defendant(s) being: _____

and the cause or failure to execute this process is: _____

and the information received as to the whereabouts of said defendant(s) being: _____

FEES:

Serving Petition and Copy \$ _____

Total \$ _____

_____, Officer
 _____, County, Texas

By: _____, Deputy

 Affiant

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

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"My name is _____, my date of birth is _____, and my address is _____
 (First, Middle, Last)

(Street, City, Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

Executed in _____, County, State of _____, on the _____ day of _____.

 Declarant/Authorized Process Server

 (Id # expiration of certification)

**Jefferson County
District Clerk's Office**

1085 Pearl Street, Room 203
Beaumont, TX 77701
409-835-8580
409-835-8527 Fax



Family Law Division
409-835-8653

Child Support
1001 Pearl Street, Room 203
Beaumont, TX 77704
409-835-8425

JAMIE SMITH
District Clerk

Notice of E-File
In Re: In the Jefferson County, District Clerk's Office

Notice is being given to you that ALL CASES are assigned E-File Cases.

Electronically filed cases or "E-file Cases" are governed by The Supreme Court Order adopted December 13, 2013 which states in part, the following:

"Except in Juvenile cases attorneys must electronically file documents in courts where electronic filing has been mandated."

If the District Clerk's Office receives a paper pleading, the Clerk is ORDERED to return that pleading to the filer with this notification. No paper pleadings can be received or file-stamped.

Instructions on how to get started with E-Filing in Jefferson County can be found at www.efiletexas.gov. Follow the prompts to get started.

Please refer to the Jefferson County District Clerk's webpage at http://co.jefferson.tx.us/dclerk/dc_home.htm for links to our Filing Fees as well as FAQ's.

FILED
DISTRICT CLERK OF
JEFFERSON CO TEXAS
8/24/2016 2:36:41 PM
JAMIE SMITH
DISTRICT CLERK
D-198907

CAUSE NO. D198907

STARCO IMPEX, INC. d/b/a
WHOLESALE OUTLET

VS.

TANTUS TOBACCO, LLC

§
§
§
§
§
§

IN THE DISTRICT COURT OF

JEFFERSON COUNTY, TEXAS

136th JUDICIAL DISTRICT

**PLAINTIFFS' ORIGINAL PETITION
AND REQUEST FOR DISCLOSURE**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, STARCO IMPEX, INC. D/B/A WHOLESALE OUTLET and M. TAHIR JAVED, Plaintiffs, complaining of TANTUS TOBACCO, LLC, and for cause of action would respectfully show unto the Court as follows:

I.

Plaintiffs request that this case be governed by a Level 3 Discovery Control Plan provided in Rule 190.4 of the Texas Rules of Civil Procedure.

**II.
VENUE**

Venue is properly maintained before this Court under Texas Civil Practice & Remedies Code Section 15.002 in that all or a substantial part of the events or omissions giving rise to this suit occurred in Jefferson County, Texas.

**III.
PARTIES**

Plaintiff, STARCO IMPEX, INC. D/B/A WHOLESALE OUTLET, is a domestic corporation organized and existing under the laws of the State of Texas that engages in business in the State of Texas.

Plaintiff, M. TAHIR JAVED, is a resident of Jefferson County, Texas.

Defendant, TANTUS TOBACCO, LLC, is a foreign corporation and may be served with process by serving its Registered Agent, CT Corp System, 1999 Bryan Street, Suite 900, Dallas, TX 75201-3136.

**IV.
FACTS**

Starco Impex, Inc. d/b/a Wholesale Outlet (hereinafter referred to as “Plaintiff Starco”) entered into an agreement with TANTUS TOBACCO, LLC (hereinafter referred to as “Defendant”) for Defendant to sell cigarettes and cigars to Plaintiff Starco. Defendant has sent a demand letter to Plaintiffs suggesting that Plaintiffs owe Defendant a substantial sum of money. However, Defendant has failed to account for offsets and credits justly owed Plaintiff Starco. Furthermore, Defendant overcharged Plaintiff Starco for the cigarettes and cigars purchased by Plaintiff Starco.

**V.
BREACH OF CONTRACT**

Defendant’s conduct set forth above amounts to breach of contract. Defendant’s breach of contract has resulted in damages to Plaintiff Starco within the jurisdictional limits of this Honorable Court. All conditions precedent have been performed or have occurred. As a result of Defendant’s conduct, Plaintiff Starco has been damaged within the jurisdictional limits of this Honorable Court.

**VI.
DECLARATORY JUDGMENT RELIEF**

Restating all previous allegations, Plaintiffs invoke the Declaratory Judgment Act, as detailed more particularly in Civil Practice and Remedies Code § 37.001, et seq. and in conjunction with same, Plaintiff Starco seeks a declaration that pursuant to the contract, Defendant has failed to provide Plaintiff Starco with all offsets and credits justly owed Plaintiff Starco. Plaintiffs also seek a declaration that Plaintiffs do not owe Defendant compensation, and that Plaintiff Javed does not owe Defendant compensation. Plaintiffs also request that the Court construe the relative rights of the parties and declare the rights, status and other legal relationships by and between the parties.

Plaintiff Starco further seeks recovery of such other relief, at and in equity, as may be authorized under the provisions of the Declaratory Judgment Act.

VII.
ATTORNEY'S FEES

As a result of Defendant's conduct, Plaintiffs have been required to obtain the assistance of the attorney whose name is subscribed to this petition to bring and prosecute this suit. Plaintiffs are therefore entitled to recover a reasonable charge for the services rendered and to be rendered in bringing and prosecuting this suit to judgment, including any appeals therefrom.

VIII.
Rule 47

It is not possible for Plaintiffs to plead the exact amount of their damages at this time, but they clearly exceed the minimum jurisdictional limits of this court. In order to comply with Rule 47, Plaintiffs seeks non-monetary relief and monetary relief of \$100,000 or less.

IX.
REQUEST FOR DISCLOSURE

Plaintiffs request that Defendant supply all information required by TEX.R.CIV.P. 194.

X.
PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that the Defendant be cited to answer and appear and that upon final hearing, the Plaintiffs have a judgment of an amount less than \$75,000.00 and in an amount in excess of the minimum jurisdictional limits of this Court, for declaratory relief, and for such other and further relief to which they may be entitled to either at law or in equity and for all of which it will ever pray.

PLAINTIFFS RESPECTFULLY DEMAND A TRIAL BY JURY.

PORTNER ♦ BOND, PLLC

/s/ Chris Portner

Chris Portner

State Bar No. 24007858

J. Trenton Bond

State Bar No. 00785707

1905 Calder Avenue

Beaumont, Texas 77701

(409) 838-4444 – Telephone

(409) 554-0240 – Facsimile

ATTORNEYS FOR PLAINTIFFS

STARCO IMPEX, INC. D/B/A WHOLESALE

OUTLET AND M. TAHIR JAVED